sequences of another's fault? In the mother's womb, he had no separate existence of his own. When born he became a person. He carried the injuries out into the world with him. His full rights as a human being sprang into existence with his birth. No longer may it be urged that the mother alone is injured. The presence of the injured child refutes that theory. Did he succeed to his mother's rights?

"The modern tendency of decided cases is to ignore fictions and deal with things as they are. At common law a cause of action for personal injuries did not survive if death resulted from another's negligence or wrongful act. Lord Campbell's Act, passed in England in 1846, and followed generally in this state (Code Civ. Proc. sec. 1905), was necessary to correct this omission. May this court attach an unnatural meaning to simple words and hold independently of statute that a cause of action for prenatal injuries is reserved to the child until the moment of its birth and then accrues? The formulation of such a principle of legal liability against precedent and practice may be a tempting task, to which sympathy and natural justice point the way; but I cannot bring myself to the conclusion that plaintiff has a cause of action at common law. The injuries were, when inflicted, injuries to the mother. No liability can arise therefrom except out of a duty disregarded, and defendant owed no duty of care to the unborn child in the present case apart from the duty to avoid injuring the mother.

"Strong reasons of public policy may be urged both for and against allowing the new right of action. The conditions of negligence law at the present time do not suggest that the reasons in favor of recovery so far outweigh those which may be advanced against it as to call for judicial legislation on the question."

Salvation Army a Sectarian Institution.—In Bennett *v.* City of La Grange, 112 S. E. Rep. 482, the Supreme Court of Georgia held that the Salvation Army comes within the prohibition of the constitution of Georgia, providing that "no money shall ever be taken from the public treasury, directly or indirectly, in aid of any church, sect, or denomination of religionists, or any sectarian institution."

The court said in part: "A religious sect or denomination is one having a common system of faith. State *v.* Township 9, 7 Ohio St. 52. The term 'church' is one of very comprehensive signification, and imports an organization for religious purposes, for the public worship of God. 11 C. J. 762. The Salvation Army is a benevolent and religious institution. It is likewise a church on wheels. It has the custody and control of all the temporalities and property belonging to the Salvation Army in the United States, and the revenues therefrom. It administers these revenues in accordance with its discipline, rules, and usages. Its entire receipts, revenues, and emoluments are devoted exclusively to its benevolent and philanthropic purposes, with the exception of a moderate and reasonable compensation to those conducting

and managing its affairs. Its work is primarily directed to the spiritual, moral, and physical reformation of the working classes, to the reclamation of the vicious, criminal, dissolute, and degraded; to visitation among the poor, lowly, and sick; and to the preaching of the gospel and the dissemination of Christian truth by means of open-air and indoor meetings. So it preaches the gospel. It disseminates Christian truth. It is a church, a sect, and a religious institution. It is sectarian in that it preaches the gospel of Christ, and undertakes to disseminate Christian truth, in all probability the peculiar doctrines and tenets of some branch of Protestantism, in preference to Catholicism, the doctrines of the Jewish religion, Mohammedanism, and the various other religions of the world. The fact that it undertakes to disseminate Christian truth, which many people believe to be the highest and holiest form of religion, does not render it unsectarian. The fact that the Salvation Army undertakes to reform the working classes, to reclaim the vicious, criminal, dissolute, and degraded, to visit the poor, lowly, and sick, which is 'pure religion and undefiled before God,' and the highest form of benevolence, does not free it from being a sectarian institution. Being such, no money can be taken directly or indirectly from the public treasury to aid it in these benevolent objects and purposes."

Suffrage Amendment to the Constitution Does Not Give Women the Right to Serve on Grand Jury.—In Harper *v.* State, 234 S. W. 909, the court of Criminal Appeals of Texas held that amendments to the state and federal constitutions giving women the right to vote, do not give them the right to serve as members of the grand jury.

The court said in part:

"Both the amendment to the state and federal constitutions were adopted, and were in effect when the grand jury in question was organized. The amendments themselves, as well as the resolution in connection therewith, show that the only subject in contemplation was the right of suffrage. No attempt to enlarge any restrictions with reference to jury service was embraced. If our Constitution and laws (which is the case in some states) made all qualified voters eligible for jury duty, the question would not even be debatable. But such is not the case. It is true all jurors are required to be qualified voters, but it does not follow by any means that all qualified voters are eligible as grand jurors. An unmarried man, though a voter, and in every other way desirable as a juror, if he chances not to be a householder or freeholder, is denied the privilege (if it be so considered) of being a juror. Many other qualified voters are not permitted to serve on juries.

"The qualification of jurors, as prescribed in the many states, vary so considerably, and because of the recent date of the amendment in question, it is difficult to find precedent; but the exact question under